

First, Applicants respectfully request that the finality of the present office action be withdrawn in view of the new grounds of rejection included in the final Office Action. In particular, in the April 30, 2004 Amendment, Applicants argued that the grounds of rejection did not clearly define what constituted the “header” of a packet as recited in claim 1 or the packet itself. Rather the grounds of rejection assembled a composite of individual disclosures throughout the specification relating to two different headers – namely one of a VL HL-PDU that is used as a payload of an ABM PDU, and a header of the ABM PDU itself. In this Office Action, the grounds of rejection argue that these features are disclosed in col. 5, lines 27-42 of Doshi. This recitation and in particular, the analysis of the Doshi reference with respect to this section are clearly different than the prior grounds of rejection.

The grounds of rejection does ask Applicants to take the disclosure of the Doshi reference in its entirety as prior art, however, Applicants respectfully submit that the Examiner still maintains the burden to clearly define how the present invention is anticipated by Doshi. In the January 30, 2004 Office Action, this burden was not met as indicated by the new analysis of the reference. Accordingly, Applicants submit that the Examiner should allow Applicants’ a chance to respond to these new grounds in a non-Final rejection. As such, Applicants kindly request that the following comments be responded to by either a Notice of Allowance, or in a next Office Action.

In response to Applicants’ prior argument that the grounds of rejection did not clearly define what constituted the “header” of a packet as recited in claim 1 or the packet itself, the Examiner states that according to column 5, lines 5-20 of Doshi, the processing of the packets

through all three layers, including the preparations of the packet at the high layer PDU preparation layer (HPPL) and the appending of the common header at the ABM layer, together, form a MOB data unit. The Examiner notes that the MOB data unit holds many types of packets, including STM, ATM and variable length packets. Therefore, the Examiner asserts changes to all packets done at the HPPL layer are maintained when outputted at transmitter 105 of Figure 1. The Examiner further provides that the MOB data unit includes both a common header and an original header of each packet that both contain fields that are significant to the transmission of the data unit. Referring to column 5 lines 27-42 of Doshi, the Examiner states that a length indicator field (Field 1) is included. Thus, the Examiner alleges that Doshi states that the length of the packet must be known, and a length indicator field will be attached to packets that do not show its length, such as VL packets that utilize a flag-demarcation system. Thus, the Examiner alleges that there must be some form of indication of packet length in the MOB data unit.

Applicants respectfully submit that claim 1 recites “transmitting a plurality of packets in multiplexing manner, wherein a header in each packet includes a first fielda sixth field....” The Examiner by the aforementioned argument states that the packets include STM, ATM, and variable length packets and are processed by the three layers. As such, the Examiner is identifying the packets as those of the HPPL 110 layer.

First, Applicants respectfully submit that none of these related art “packets” STM, ATM, etc. would suggest packets having a header with six fields as those recited in claims 1 and 12. Further, Applicants submit that these “packets” undergo transformation (preparation) at the SAR/PACK layer 120 (see col. 5, lines 43-50). Specifically, blocks of fixed size are created

from the HL-PDU bitstreams (see col. 5, lines 45-47). Then, using these blocks of fixed size created at SAR/PACK layer 120, the ABM layer 130 creates fixed size ABM PDU's and multiplexes them over a common bitstream (see col. 6, lines 2-9). Thus, in the Doshi system, it is a fixed size *ABM PDU that is multiplexed* and sent to receiver 108 (see Figure 1), and not a specific ATM or STM packet as alleged in the grounds of rejection.

Figure 2 discloses the header of an ADM PDU. Like an individual ATM or STM packet, the ABM PDU header of Figure 2 would not disclose or suggest the six fields recited in claim 1 (and claim 12). Further, the ATM VL-PDU data itself, even if it includes a field length field would be part of the *payload* (see col. 6, lines 19-32 and Figure 2) as acknowledged by the Examiner. One of ordinary skill in the art would not equate a portion of the payload as a header. Accordingly, for these several reasons, Applicants respectfully submit that the claims distinguish over Doshi.

With respect to claims 4, 5, 15, and 16, Applicants maintain that the Examiner has failed to provide a motivation or suggestion to include a fifth field holding a signal indicative of a destination address, source address, and remote alarm indicative of a signal receiving condition of a remote station as recited in these claims. The Examiner states that this is shown by Item 234. Applicants again submit that Item 234 that the Examiner refers to as the recited fifth field is described as a user-to-user information (UUI) field. Accordingly, one of ordinary skill in the art would not associate this type of signal with the present invention's recited fifth signal since a UUI field is known as an AT&T voice processing standard including a field within ISDN protocol which can provide end-to-end information exchange (telephone number, credit card

number, login ID, etc.). This UUI field would not suggest the address and alarm features of the fifth signal as recited in claims 4 and 15. Nonetheless, the Examiner states that there is a suggestion in Doshi for the need of a reliable and accurate system that is less prone to errors and complications from packet loss and timing errors. The Examiner acknowledges that Doshi does not go into detail about data integrity measures. However, the Examiner states that Doshi takes an illustrative but not exhaustive embodiment (citing column 4, lines 46-67 and column 5, lines 1-4). Applicants note that the Examiner cites language of Doshi indicating that numerous modifications and alternative embodiments will be apparent based on the disclosure of Doshi. Applicants respectfully submit that because Item 234 is not related to features, such as those recited for the fifth field, since the Examiner acknowledges that the features of these claims are not explicitly shown and, since the Examiner's only basis for the rejection is the boilerplate language of "numerous modification . . .", the Examiner has not met the burden of showing how the features recited in these claims are disclosed or suggested. Rather, it seems from the analysis that this rejection was made in hindsight based on Applicants' own disclosure which is improper. This also applies to the Examiner's remarks related to claims 9, 10, 20, and 21

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/669,565

Attorney Docket No. Q60968

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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